

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Rules and Regulations Implementing)
Minimum Customer Account Record) CG Docket No. 02-386
Exchange Obligations on All Local)
and Interexchange Carriers)

TO: The Commission

**COMMENTS OF THE RURAL INCUMBENT LOCAL EXCHANGE CARRIERS
ON THE INITIAL REGULATORY FLEXIBILITY ACT ANALYSIS**

The rural incumbent local exchange carriers listed in Attachment A (collectively, the Rural ILECs), by their attorney, submit these comments in response to the Commission's Initial Regulatory Flexibility Act Analysis in the captioned Notice of Proposed Rulemaking (NPRM).¹

¹ Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Notice of Proposed Rulemaking, CG Docket No. 02-386, FCC 04-50 (Mar. 25, 2004), 69 Fed. Reg. 20,845 (Apr. 19, 2004) [hereinafter NPRM]. Unless otherwise noted, all citations to the NPRM are to the version released by the FCC, not to the version published in the Federal Register.

BACKGROUND

The Rural ILECs provide local exchange service in rural areas. Each of the Rural ILECs has fewer than 1,500 employees and thus can be considered a "small business."²

I. TO MINIMIZE REGULATORY BURDENS, THE COMMISSION SHOULD EXEMPT SMALL ILECS, OR AT MOST, ADOPT PERFORMANCE STANDARDS, NOT DESIGN STANDARDS

The Regulatory Flexibility Act requires the Commission to consider the following four options.

(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.³

As discussed in the Rural ILECs' Comments, the Rural ILECs strongly urge the Commission to select option #4 and exempt small ILECs from the reporting requirements - because there is no justification for the imposition of new regulations on small ILECs. The Rural ILECs currently provide information requested by other carriers, and no other carriers have complained about their exchange of information. However, if the Commission were

² See NPRM app. B at 2-3.

³ Id. app. B at 6.

to decline to exempt all small ILECs, the Rural ILECs request the Commission to exempt at least those ILECs that participate in centralized equal access networks where the centralized equal access network provides reports to other carriers.

If the Commission were to impose new regulations on those ILECs that do not participate in centralized equal access networks, the Rural ILECs urge the Commission to select option #3, and use performance, rather than design, standards. In other words, the Commission could specify the events that trigger the exchange of information and the information to be exchanged, give ILECs the flexibility to choose the media to use to deliver the information, but not require specific CARE Transaction Code Status Indicators (TCSIs).⁴ And in accordance with options #1 and #2, the Commission could provide a seven-business-day time frame for providing the information to other carriers. This time frame would better reflect the schedules currently used by many of the Rural ILECs - schedules that other carriers have accepted for years.

⁴ Id. para. 11.

II. TO MINIMIZE THE COST, PERMIT ILECS TO CONTINUE THEIR CURRENT REPORTING

The Commission asks how it can minimize the additional cost of compliance with any new reporting obligations.⁵ The Rural ILECs request the Commission to adopt the suggestions discussed above - essentially permitting ILECs to continue to exchange information using the formats and media they currently use, on the schedules they currently use. Changes to the status quo would increase the cost of providing information to other carriers, with no benefit - since other carriers are not complaining about the information that they currently receive from ILECs.

Nevertheless, if the Commission were to require more frequent reports, reports using codes not currently used by the ILECs and/or compliance with guidelines in published documents, the costs would include: (a) additional hours for preparing additional reports; (b) initial software or other procedural modifications; and (c) the cost of the published documents. These issues are discussed in turn below.

Some of the Rural ILECs spend one hour each week generating reports and sending them to other carriers. If the time frame for the other carriers' receipt of reports were shortened, the

⁵ Id. app. B at 6.

ILEC would need to generate reports more frequently, thereby spending more time processing reports. For example, if the ILEC were to generate reports twice a week, the additional burden may be .5 to 1 hour, depending on whether the reports are created by hand or by computer. That amounts to 26 to 52 hours per year per ILEC. The Commission estimates that there are well over 1,000 small ILECs.⁶ Thus, if the additional burden of .5 to 1 hour were applicable to each of these 1,000 ILECs, the total additional burden for all small ILECs could be 26,000 to 52,000 hours per year.

Some of the Rural ILECs generate the reports using a computer. If the Commission were to require the use of codes, such as TCSIs, that are different from ones currently used by the ILECs, or if the Commission were to specify a layout for the reports that differs from the layouts currently used, the ILECs would need to modify the software they currently use.

Furthermore, if the Commission were to require carriers to follow the guidelines set forth in the ATIS OBF Equal Access Subscription CARE/Industry Support Interface,⁷ the carriers would need to purchase copies of that document immediately and purchase new copies whenever the document is modified. The ATIS document

⁶ Id. app. B at 3.

⁷ Id. para. 16.

costs \$550.⁸ If there are over 1,000 small ILECs, the cost to the industry may be \$550,000 for the initial purchase of the ATIS document, and for each revision of that document.

These cost estimates assume that the events triggering reports would not be much different from the events that currently trigger reports by each of the ILECs, and that the ILECs could continue to use somewhat similar processes for generating the reports and use the same media for providing the information to other carriers.

In sum, based on the above assumptions, the cost of compliance of the proposals in the NPRM would be: (a) 26,000 to 52,000 hours per year for generating additional reports, if they were generated twice as frequently as today; (b) initial software or other procedural modifications to incorporate codes not currently used; and (c) \$550,000 for purchasing the ATIS document, and the same amount or more for subsequent purchases of updated versions of that document. These three burdens could be avoided if the Commission were to adopt the Rural ILECs' suggestions to adopt an exemption for small ILECs. However, if the Commission were to impose the requirements on small ILECs,

⁸ ATIS Document Center, https://www.atis.org/atis/docstore/doc_display.asp?ID=2580 (showing the price of the CARE document).

the third burden could be eliminated if the Commission were to make all relevant documents available for free via the Internet.

Many of these issues are discussed further in the Rural ILECs' Comments, a copy of which is enclosed as Attachment B, and the January 21, 2003 Comments of the Small Incumbent Local Exchange Carriers. Both of these documents are incorporated herein by reference.

Respectfully submitted,
**RURAL INCUMBENT LOCAL EXCHANGE CARRIERS
LISTED IN ATTACHMENT A**

By



Susan J. Bahr
Their Attorney

Law Offices of Susan Bahr, PC
P.O. Box 86089
Montgomery Village, MD 20886-6089
Phone: (301) 258-8947

June 3, 2004

ATTACHMENT A

RURAL ILECs

Big Sandy Telecom, Inc.
Bluestem Telephone Company
C-R Telephone Company
Chautauqua and Erie Telephone Corporation
China Telephone Company
Chouteau Telephone Company
Clarks Telecommunications Co.
Columbine Telecom Company
Community Service Telephone Company
Ellensburg Telephone Company, Inc.
Fremont TelCom
GTC, Inc.
Maine Telephone Company
Marianna and Scenery Hill Telephone Company
Northland Telephone Company of Maine, Inc.
Odin Telephone Exchange, Inc.
Peoples Mutual Telephone Company
RC Communications, Inc.
Roberts County Telephone Cooperative Association
Sidney Telephone Company
Standish Telephone Company, Inc.
STE/NE Acquisition Corp. d/b/a Northland Telephone
Company of Vermont
Sunflower Telephone Co., Inc.
Taconic Telephone Corp.
The El Paso Telephone Company
The Columbus Grove Telephone Company
The Nebraska Central Telephone Company
The Orwell Telephone Company
Waitsfield-Fayston Telephone Company
Yates City Telephone Company
YCOM Networks, Inc.

ATTACHMENT B

**COMMENTS OF THE
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Susan J. Bahr
Law Offices of Susan Bahr, PC
P.O. Box 86089
Montgomery Village, MD 20886-6089
Phone: (301) 258-8947

Attorney for the **RURAL INCUMBENT
LOCAL EXCHANGE CARRIERS LISTED IN
ATTACHMENT A**

June 3, 2004

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SUMMARY

The rural incumbent local exchange carriers listed in Attachment A (collectively, the Rural ILECs) oppose any new reporting requirements because no carriers have complained about the information that they currently receive from small ILECs. However, if the Commission were to adopt minimal reporting requirements, the Rural ILECs suggest that: (a) the Commission should specify only the events that trigger reporting, the information to be exchanged, and the time frame for exchanging information - which should be at least seven business days (to allow for once-a-week processing); (b) carriers should have the choice of media to use for providing the information (including real-time, mechanized, e-mail or Internet, cartridge, computer tape, fax or paper); (c) carriers receiving the information should be required to implement it in a timely manner; and (d) telephone companies participating in centralized equal access networks should be exempt if the centralized equal access network provides information to other carriers.

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TO: The Commission

The rural incumbent local exchange carriers listed in Attachment A (collectively, the Rural ILECs), by their attorney, submit these comments on the Notice of Proposed Rulemaking (NPRM) in the captioned proceeding.¹ The Commission proposes to impose mandatory minimum Customer Account Record Exchange (CARE) obligations on all local exchange carriers (LECs) and interexchange carriers (IXCs). The Rural ILECs oppose any new regulations. AT&T, Sprint and MCI (in their Petition for Declaratory Ruling²), and the Commission (in the NPRM), have not

² Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on All Local and

shown that the Rural ILECs' exchange of information with other carriers is unsatisfactory. Nevertheless, if the Commission were to adopt CARE obligations, the Rural ILECs request that: (a) the rules should not apply to LECs participating in centralized equal access networks; and (b) the remaining ILECs should have maximum flexibility in choosing the format and timing of the information exchange, in order to minimize the additional burdens. These issues are discussed below.

BACKGROUND

The Rural ILECs each provide local exchange service to rural areas. The Rural ILECs strongly support the Comments of the Small Incumbent Local Exchange Carriers (SILECs) filed on January 21, 2003, concerning the Petition for Rulemaking filed by AT&T, Sprint and MCI (the Joint Petitioners) and the Petition for Declaratory Ruling filed by Americatelel.³ Many of the Rural ILECs participated in the SILECs' Comments. The Rural ILECs incorporate the SILECs' Comments herein by reference.

Interexchange Carriers, filed by AT&T, Sprint and MCI (Nov. 22, 2002) [hereinafter Joint Petition].

³ Americatelel Petition for Declaratory Ruling, Obligations of All Local Exchange Carriers to Provide Timely and Accurate Billing Name and Address Service to Interexchange Carriers, filed by Americatelel (Sept. 5, 2002) [hereinafter Americatelel Petition].

As stated in the SILECs' Comments, the methods that the Rural ILECs currently use to exchange information with other carriers is working. Some of the Rural ILECs use the CARE process; others exchange information with other carriers using procedures that have been developed over decades. Some of them use Internet-based systems to provide information; some process the information by hand and fax it to other carriers; some generate the information using computers and then fax it; others generate computer tapes with CARE information and billing information and mail the tapes to the other carriers on a preestablished schedule. Despite the variety of methods used to exchange information, other carriers are satisfied with these methods.

Rule changes that would require automation, changes to existing software or changes to manual processes, would disproportionately impact these small ILECs. The smallest of the Rural ILECs serves approximately 540 customers. The cost of implementing computer systems to automate the exchange of information, or the cost of simply purchasing the ATIS document explaining the CARE guidelines, would be borne by just 540 customers. Yet, there is no need for these ILECs to make any changes to the methods that they are using right now.

I. THERE IS NO JUSTIFICATION FOR IMPOSING CARE OBLIGATIONS ON RURAL ILECS

The Commission asks whether the information exchange problems discussed by the Joint Petitioners is "pervasive throughout the industry."⁴ The answer is "No." No carriers have complained to the Rural ILECs about their exchanges of information. The Joint Petitioners did not demonstrate any difficulties in their information exchanges with rural ILECs.⁵ When the National Association of Regulatory Utility Commissioners (NARUC) adopted its resolution urging the adoption of mandatory minimum requirements, NARUC also did not mention any difficulties with the exchange of information between rural ILECs and other carriers.⁶ And now, in the NPRM, the Commission does not demonstrate any difficulties with the information exchanges between rural ILECs and other carriers.

This proceeding appears to have been initiated solely due the emergence of competitive local exchange carriers (CLECs) and

⁴ NPRM para. 10.

⁵ See Joint Petition at 3-5.

⁶ Resolution Urging the FCC to Initiate a Rulemaking to Establish Mandatory Minimum Requirements Relative to the Exchange of Customer Account Information Between Inter-Exchange Carriers, LECs and CLECs (adopted Feb. 26, 2003), at <http://www.naruc.org/associations/1773/files/requirements.pdf>.

issues that IXC's have with CLEC's.⁷ The IXC's should address their concerns in their contractual arrangements with CLEC's, and where appropriate, through industry forums such as ATIS. There is no need to adopt broad regulations applicable to CLEC's, IXC's, Bell Companies and smaller, rural ILEC's, when the real problem appears to be with the CLEC's.

The Commission's statement that "the number of LEC's has increased significantly"⁸ does not support the imposition of new regulations on rural ILEC's. Very few of the Rural ILEC's have CLEC's in their service areas. And for those that do, there have been no complaints from the CLEC's or the IXC's about the exchange of information with the Rural ILEC's.

In sum, there are no deficiencies in the way that rural ILEC's currently exchange information with other carriers. Thus, there is no justification for new regulations. Any new regulations that would be imposed on rural ILEC's would therefore violate the First Amendment, as more fully discussed in the SILEC's' Comments.⁹

⁷ See Joint Petition at 3-4 (referring to the creation of CLEC's after 1996, and to difficulties in billing customers that switch from between LEC's); see also Americatel Petition at 4, 6 (referring to customers switching LEC's).

⁸ NPRM para. 5.

⁹ SILEC Comments at 5-7.

II. IF ADOPTED, THE RULES SHOULD PERMIT LECS TO CONTINUE TO PROVIDE INFORMATION THE WAY THEY HAVE BEEN PROVIDING IT

If the Commission, nevertheless, were to adopt rules for the exchange of information among carriers, the rules should permit ILECs the flexibility to continue to provide information in the manner in which they already are accustomed.

A. THE RULES SHOULD PROVIDE FLEXIBILITY AS TO THE FORMAT

The Rural ILECs support the Commission's commitment to maximum flexibility in the ways that the information can be exchanged.¹⁰ But before adopting new rules, the Commission must make two decisions:

1. What events trigger the exchange of information, what information must be exchanged and what the time frame is for the information exchange
2. Whether the format (such as codes and layout) needs to be uniform, and what media can be used

These are two separate decisions. A requirement to exchange specific pieces of information in specific time frames does not necessarily imply that a uniform format or medium must be used.

In 2003, NARUC took the sensible approach of suggesting that specific events would trigger the exchange of information and

¹⁰ NPRM app. B at 6.

that rules would specify the information to be exchanged.¹¹ That is all that is required to resolve the Joint Petitioners' billing issues. The IXCs need information when certain events occur (such as an end user switching to a different IXC).¹² If the Commission were to adopt rules for the exchange of information, the rules could specify the events that trigger the information exchange, the information to be provided, and the time frame for providing the information.

However, the Commission proposes to have "uniform" requirements. The Commission states that "[f]ailure to utilize consistent formats can create confusion for carriers, customers and the Commission."¹³ But the information at issue is information exchanged among carriers. Thus, only carriers need to be able to interpret the information provided by the ILECs. And the Joint Petitioners did not complain that they are confused by inconsistent formats used to provide the information.¹⁴

¹¹ Resolution Urging the FCC to Initiate a Rulemaking to Establish Mandatory Minimum Requirements Relative to the Exchange of Customer Account Information Between Inter-Exchange Carriers, LECs and CLECs (adopted Feb. 26, 2003), at <http://www.naruc.org/associations/1773/files/requirements.pdf>.

¹² Joint Petition at 3.

¹³ NPRM para. 23.

¹⁴ See, e.g., Joint Petition at 8 (suggesting that carriers could use any of a variety of media for transmitting the information).

Similarly, the crux of the NARUC draft model guidelines is the triggering events and the customer information to be exchanged.¹⁵ NARUC's summary of its guidelines notably does not mention the CARE process, nor does it state that the CARE process is an integral part of the information exchange. In sum, the Joint Petitioners, NARUC and the Commission have not demonstrated that the rural ILECs' current exchange of information causes confusion, or that a uniform format is necessary.

In particular, there is no need for the Commission to give the force of law to the CARE Transaction Code Status Indicators (TCSIs).¹⁶ Such details are better left to be resolved in industry forums or in the contractual arrangements among carriers. If the codes were to become law, they could become the fodder for unreasonable complaints to the Commission. Thus, although the Commission suggests that having uniform information exchange requirements could assist the Commission with resolving disputes,¹⁷ the uniformity requirements themselves could expand

¹⁵ NARUC Subcommittee on Consumer Affairs, Standards Relative to the Exchange of Customer Account Information Between InterExchange Carriers, Local Exchange Carriers and Competitive Local Exchange Carriers, dated March 4, 2004 (provided via email to Susan Bahr, Esq., on June 1, 2004 by Eddie Roberson, Jr., Chair, NARUC Staff Subcommittee on Consumer Affairs) [hereinafter NARUC Model Guidelines].

¹⁶ NPRM para. 11.

¹⁷ Id. para. 10.

the disputes beyond the key issue - whether carriers obtain the information they need - and into the minutiae of which codes should be used in which situations. There is no need to adopt uniformity rules simply so that the Commission can enforce the uniformity. Instead, the Commission's focus should be on whether carriers exchange the information needed by other carriers.

Moreover, the adoption of uniformity requirements would result in the Commission micro-managing the information exchange process, contrary to Commission precedent which has disfavored the micro-management of carriers. For example, when the Commission adopted CALEA rules, it declined to adopt detailed policies and procedures that carriers would need to include in their internal operating practices. The Commission stated: "It is not the Commission's responsibility to 'micro-manage' telecommunications carriers' corporate policies."¹⁸ Also, when the Commission implemented rules for customer proprietary network information (CPNI), the Commission determined that it "should not attempt to micro-manage the methods by which carriers meet their obligations to secure customer consent" concerning CPNI

¹⁸ Communications Assistance for Law Enforcement Act, Report and Order, 14 FCC Rcd. 4151, 4158 (1999); see also Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Report and Order, 17 FCC Rcd. 8481 para. 39 (2002) (deciding that it was "not necessary [for the Commission] to micromanage how carriers and manufacturers choose to label their products").

disclosure. The Commission simply set minimal rules requiring the carrier to inform the customer of their right to refuse consent and the consequences of granting consent, before the CPNI is used.¹⁹ Similarly, in the case at hand, the Commission could require carriers to exchange information at specific times, but refrain from micro-managing the methods the carriers use to do so.

The CARE process apparently has worked for those carriers that use it. But it was developed by and for large carriers. The CARE guidelines are maintained by the ATIS OBF committee.²⁰ The ILEC members of that committee are, in general, much larger than each of the Rural ILECs, and for that matter, they are much larger than most of the ILECs in the country.²¹ Even though the CARE process with its codes and other specifications may be workable for larger companies with large staffs, they would add unnecessary burdens to smaller ILECs that currently do not use the CARE codes but do provide information to other carriers that meets the other carriers' needs.

¹⁹ Implementation of the Telecommunications Act of 1996, Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Order on Reconsideration and Petitions for Forbearance, 14 FCC Rcd. 14,409 para. 109 (1999).

²⁰ See their website at <http://www.atis.org/obf/subwdoc.asp>.

²¹ See the list of members of the ATIS OBF Committee enclosed with the ATIS Comments filed on this date.

For these reasons, the Commission should focus on the information to be provided, and decline to adopt rules mandating uniformity in the methods used to provide the information.

B. THE CHOICE OF MEDIA SHOULD BE LEFT UP TO THE CARRIER PROVIDING THE INFORMATION

The Rural ILECs support the Commission's proposal to permit carriers to choose among many methods of communicating customer information.²² The Joint Petitioners suggest that carriers could use paper (sent by fax, U.S. mail and/or overnight mail), e-mail, cartridge, Internet processing, mechanized processing or real-time processing.²³ The Rural ILECs support all these choices and want to ensure that standard computer tapes are included among the media options, because some of the Rural ILECs use computer tapes to transfer CARE data.

Leaving the choice of media to the carrier providing the information would greatly reduce the impact on small carriers, because ILECs could continue to use the methods that they currently use.

²² NPRM para. 16.

²³ Joint Petition at 8.

C. THE TIME FRAME FOR PROVIDING INFORMATION TO ANOTHER CARRIER SHOULD BE AT LEAST SEVEN BUSINESS DAYS

The Commission proposes to establish deadlines so that other carriers would receive information within five days of certain events, such as a change to a customer's IXC. In many cases, a five-day time frame is shorter than ILECs use today. Although the Rural ILECs process carrier change requests promptly, many of them provide the customer change information to other carriers just once a week. The information may be included in a report that is faxed or mailed to the other carriers. Or the information may be included in a weekly computer tape containing billing information that is mailed to other carriers. Assuming that mail could be delivered within one or two business days, a seven-business-day time frame would be needed to accommodate current processing schedules. For example, suppose the information is generated each week on Wednesdays. Then an IXC change effectuated on one Wednesday may not be included in a computer tape until the next Wednesday, and the IXC may not receive the tape until perhaps the following Thursday or Friday. The Rural ILECs that follow this weekly schedule have not had any complaints about the frequency with which they provide data to other carriers. Furthermore, the Joint Petitioners have not

shown why a seven-business-day time frame that some ILECs and IXC's use today is insufficient.²⁴

In sum, the Rural ILECs suggest that the Commission reject the five-day time frame proposed by the Joint Petitioners and the three-day time frame suggested by NARUC.²⁵ Instead, if minimum reporting requirements were adopted, the Commission should provide at least seven business days between the time a triggering event occurs and the time that the affected carrier must receive information about that event.

D. ANY DOCUMENTS REQUIRED FOR COMPLIANCE SHOULD BE FREE OF CHARGE AND READILY AVAILABLE VIA THE INTERNET

The Joint Petitioners propose that all carriers use the guidelines set forth in the ATIS OBF Equal Access Subscription CARE/Industry Support Interface document to ensure the accuracy and completeness of CARE data.²⁶ According to the ATIS website, that document costs \$550.²⁷ If each carrier had to purchase a copy of the document, it could cost the ILEC industry about

²⁴ See Joint Petition at 8, app. A at 8 (stressing timeliness but providing no justification for any of the proposed deadlines).

²⁵ E.g., NARUC Model Guidelines at 12.

²⁶ Joint Petition at 9.

²⁷ ATIS Document Center, https://www.atis.org/atis/docstore/doc_display.asp?ID=2580 (providing the price of the CARE document).

\$550,000 for the initial purchase, and that amount or more for subsequent purchases of revisions to that document.²⁸ Carriers should not be required to expend such financial resources to determine Commission requirements. If the Commission were to require carriers to comply with the ATIS guidelines, the Commission should make them available for free via the Internet.

E. THE NEW RULES SHOULD NOT APPLY TO LECs PARTICIPATING IN CENTRALIZED EQUAL ACCESS NETWORKS

Two of the Rural ILECs - RC Communications, Inc. and Roberts County Telephone Cooperative Association - participate in a centralized equal access network, South Dakota Network (SDN). After either of these ILECs processes a carrier change request from a customer, the ILEC then notifies SDN, and SDN notifies the affected carriers. Thus, a requirement for ILECs to directly notify other carriers of customer changes would impose brand-new obligations on these ILECs.

If the Commission were to adopt mandatory minimum requirements for exchanging information among carriers, the rules should exempt ILECs that participate in centralized equal access networks. The Commission has made similar exemptions in the

²⁸ See the Rural ILECs' Comments on the Initial Regulatory Flexibility Act Analysis for the calculation of the cost of the ATIS document.

past. For example, the rules for direct trunked transport reflect the fact that the telephone companies that participate in centralized equal access networks may not provide the measurement and billing functions that are common in other LEC end offices.

The rules state:

Centralized equal access providers as described in Transport Rate Structure and Pricing, CC Docket No. 91-213, FCC 92-442, 7 FCC Rcd 7002 (1992), are not required to provide direct-trunked transport service. Telephone companies that do not have measurement and billing capabilities at their end offices are not required to provide direct-trunked transport services at those end offices without measurement and billing capabilities.²⁹

Similarly, in the case at hand, if the Commission were to adopt minimum requirements, the Commission could include the following provision:

Telephone companies that participate in centralized equal access networks are exempt from these requirements if the centralized equal access network is responsible for providing such information to other carriers.

III. THE BURDEN SHOULD BE MINIMIZED FOR SMALL CARRIERS

The Rural ILECs support the Commission's intention to minimize the burden of compliance for small ILECs.³⁰ The best way to minimize that burden would be to exempt small ILECs from

²⁹ 47 C.F.R. § 69.112(i).

³⁰ NPRM app. B at 6.

the information exchange requirements, because as shown above, there is no justification for imposing additional regulatory burdens on the small ILECs. Nevertheless, if the Commission were to impose new requirements on small ILECs, the Rural ILECs suggest that: (a) the Commission should specify only the events that trigger reporting, the information to be exchanged, and the time frame for exchanging information - which should be at least seven business days (to allow for once-a-week processing); (b) carriers should have the choice of media to use for providing the information (including real-time, mechanized, e-mail or Internet, cartridge, computer tape, fax or paper); and (c) telephone companies participating in centralized equal access networks should be exempt from the information exchange requirements if the centralized equal access network provides the information to other carriers.

Additional information concerning the burden of compliance for small ILECs is contained in the Rural ILECs' Comments on the Paper Reduction Act Analysis and the Rural ILECs' Comments on Initial Regulatory Flexibility Act Analysis, filed on this date. Both of those Comments are incorporated herein by reference.

Those Comments show that Cox is wrong in its assertion that the proposed reporting requirements would "not create any

meaningful burden" on ILECs.³¹ The burdens are significant, especially for small ILECs, such as the Rural ILECs. Small ILECs should be permitted to continue to provide information using the formats, media and frequency to which they have been accustomed. Only then would there be no new burden.

IV. IXCs SHOULD BE REQUIRED TO IMPLEMENT THE INFORMATION IN A TIMELY MANNER

If the Commission were to require ILECs to exchange information with IXCs according to established deadlines, IXCs should also be required to implement that information in a timely manner.³² Some of the Rural ILECs have noticed that when IXCs obtain customer change information, the IXCs do not always take the appropriate actions - thereby resulting in customers being billed for service after the customers switched to different IXCs. There is no sense in adopting information exchange rules without also requiring carriers to make use of the information exchanged.

³¹ See NPRM para. 12.

³² SILEC Comments at 14-15.

V. IT IS PREMATURE TO CONSIDER A NATIONAL LINE-LEVEL DATABASE

Americatel supports the adoption of a national line-level database to address billing issues.³³ The Rural ILECs support the Commission's proposal to instead focus on the provision of information from one carrier directly to other carriers.³⁴ The direct exchange of information has worked well between small ILECs and IXCs for years. A national line-level database would be costly to set up, would impact all carriers, would raise a myriad of privacy issues, would require much time and expense to maintain, and appears to be overkill when other information sharing mechanisms are more readily available.

CONCLUSION

For the foregoing reasons, the Rural ILECs oppose any new reporting requirements because no carriers have complained about the information they currently receive from small ILECs. However, if the Commission were to adopt minimal reporting requirements, the Rural ILECs suggest that: (a) the Commission should specify only the events that trigger reporting, the information to be exchanged, and the time frame for exchanging information - which should be at least seven business days (to


³³ See NPRM para. 17.

³⁴ Id. para. 19.

allow for once-a-week processing); (b) carriers should have the choice of media to use for providing the information (including real-time, mechanized, e-mail or Internet, cartridge, computer tape, fax or paper); (c) carriers receiving the information should be required to implement it in a timely manner; and (d) telephone companies participating in centralized equal access networks should be exempt if the centralized equal access network provides information to other carriers.

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By 

Susan J. Bahr
Their Attorney

Law Offices of Susan Bahr, PC
P.O. Box 86089
Montgomery Village, MD 20886-6089
Phone: (301) 258-8947

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